

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Mina De Oro, LLC, and The Toy Chest, LLC

Plaintiffs

v.

Matthew Brent Goettsche, et al.,

Defendants

Case No. 2:20-cv-00994-CDS-VCF

**Order Directing Plaintiffs to Move for  
Default Judgment or Show Cause Why  
Not, Ordering Plaintiffs to File Proof of  
Service, and Ordering Defendant to  
Respond**

Having granted defendant Goettsche's motion to dismiss, I now address the remaining defendants in this case: Jobediah Sinclair Weeks, Silviu Catalin Balaci, Bitclub, and Joseph Frank Abel. By November 18, 2022, I order the plaintiffs to either move for default judgment against Abel or show cause why they are not doing so, I order the plaintiffs to file proof of service as to Balaci and Bitclub, and I order Weeks to respond to the plaintiffs' first-amended complaint.

**I. Defendant Abel**

In February 2021, the Clerk of Court entered default against Abel. ECF No. 20. To date, the plaintiffs have not moved for default judgment against him. **The plaintiffs are hereby ordered to move for default judgment against Abel or show cause why they are not doing so by November 18, 2022.** The plaintiffs are reminded to ensure that any motion for default judgment complies with Fed. R. Civ. P. 55 and addresses the seven factors in *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986). Failure to do so by the deadline could result in the dismissal of the action without prejudice as to Abel for failure to prosecute.

1           **II. Defendants Balaci and Bitclub**

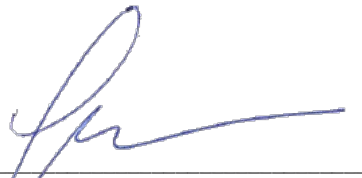
2           To date, the plaintiffs have not filed proof of service as to defendants Balaci or Bitclub.  
3 This order constitutes notice that this action may be dismissed without prejudice as to those  
4 two parties unless the plaintiffs file proof of service with the clerk by **November 18, 2022**.  
5 Service on the parties must have taken place prior to the expiration of time limit set forth in Fed.  
6 R. Civ. P. 4(m), or good cause must be shown as to why such service was not made in that  
7 period.

8           **III. Defendant Weeks**

9           In October 2020, the magistrate judge held a hearing and ordered defendant Weeks's  
10 response to the plaintiff's complaint to be stayed "pending further order of the court." ECF No.  
11 12. I was assigned to this case a few months ago and am unfamiliar with the underlying reasons  
12 that Weeks's response was stayed. Defendant Weeks is therefore ordered to **respond to the**  
13 **first-amended complaint (ECF No. [33])** by **November 18, 2022**. Failure to do so by the  
14 deadline could result in an entry of default against him.

15           IT IS SO ORDERED.

16           DATED this October 19, 2022.

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20 Cristina D. Silva  
21 United States District Judge  
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